

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-80136-CIV-SMITH/Matthewman

MARCELLO MARQUISE JETER,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

This matter is before the Court upon the Report and Recommendation (the “Report”) [DE 10] of the Honorable William Matthewman, U.S. Magistrate Judge, on Movant Marcello Marquise Jeter’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Petition (“Motion”). In his thorough and well-reasoned Report, Judge Matthewman recommends that the Motion be denied and that the Court deny a certificate of appealability. Movant timely filed objections to the Report and Respondent did not file a response thereto.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objections are made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3).

The Court, having considered Judge Matthewman’s Report, Movant’s objections thereto, and having conducted a *de novo* review of the record, agrees with Judge Matthewman’s well-reasoned analysis and his recommendation that the Motion be denied. Accordingly, it is

ORDERED that:

1) The Report and Recommendation [DE 20] is **AFFIRMED and ADOPTED** and incorporated by reference into this Court’s Order.

2) Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [DE 1] is **DENIED**.

3) A Certificate of Appealability is **DENIED**.

4) This case is **CLOSED**.

DONE and ORDERED in Fort Lauderdale, Florida, this 26th day of February, 2025.

A handwritten signature in black ink, appearing to read 'Rodney Smith', is written over a horizontal line.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: All counsel of record